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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HALIYUR, VENKATESH N

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,940

Applicant(s)

LINDQUIST ET AL.

Examiner

Venkatesh Haliyur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Upon further considerations of the amendments filed on 03/03/2006, new grounds of rejections is made under non-statutory obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,914,911.
2. Claims 1-24 are pending in the application.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-24 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,914,911.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed invention is an obvious variation of the claimed invention in the U.S. Patent No. 6,914,911 which is already issued.

Regarding claims 1,6: U.S. Pat: 6,914,911 disclosed an interworking node operatively connectable to a plurality of call control nodes each including switching intelligence and narrowband switching fabric and a plurality of connection control nodes each including broadband switching fabric and each being capable of processing a communication using one of a plurality of formats, said interworking node comprising: means for interworking between said plurality of call control nodes and said plurality of connection control nodes, wherein a call control instruction transmitted by said particular one of said call control node: and forwarded by said interworking node to one of said connection control nodes is used for controlling call connection over said broadband switching fabric within said one connection control node and wherein said call control instruction is translated by said interworking node into said one of said plurality of formats compatible with said one connection control node. U.S. Pat: 6,914,911 also disclosed a system and method for mapping the received data to an applicable format and is obvious for one of the ordinary skill in the art that mapping functionality is performed by storing the formats in a database table which is communicably coupled to said means for interworking for linking a particular one of said plurality of connection control nodes with a corresponding one of said plurality of formats (**claims 1,11,13,35 of U.S.Pat: 6,914,911**).

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Regarding claims 2,9,14,19,22: U.S. Pat: 6,914,911 disclosed plurality of formats comprises at least one format in accordance with the H.248 standard and is obvious for one of the ordinary skill in art to link a connection control node with the corresponding format (**claims 13,15 of U.S.Pat: 6,914,911**).

Regarding claims 3,10,15,20,23: U.S. Pat: 6,914,911 disclosed plurality of formats and is obvious for one of the ordinary skill in the art that such formats include a binary format and a text format and to ascertain and link to a connection control node with the corresponding format (**claims 11,13 of U.S.Pat: 6,914,911**).

Regarding claims 4,5,11,12,16,17: U.S. Pat: 6,914,911 disclosed means for receiving a communication from said particular connection control node; means for ascertaining said corresponding format associated with said particular connection control node by accessing said database; and means for translating said communication responsive to said ascertained corresponding format. Ascertaining received data from connection control node to a corresponding format stored in a database table and then translating to a corresponding format is obvious for one of the ordinary skill in the art for translating a communication responsive to ascertained corresponding format (**claims 11,13,35 of U.S.Pat: 6,914,911**).

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Regarding claim 7: U.S. Pat: 6,914,911 disclosed a plurality of connection control nodes comprise at least part of a broadband network (**claims 11,13 of U.S.Pat: 6,914,911**).

Regarding claim 8: U.S. Pat: 6,914,911 disclosed a plurality of connection control nodes comprising interworking nodes (media gateways), and said intermediate node comprises mediation logic (one type of media to another type) (**claims 13,17-20, of U.S.Pat: 6,914,911**).

Regarding claim 13,18: U.S. Pat: 6,914,911 disclosed a method for combining narrowband and broadband transport mechanisms in a communications network, comprising the steps of: providing a call control node including switching intelligence and narrowband switching fabric, a plurality of connection control nodes each including broadband switching fabric and each being capable of processing a communication using one of a plurality of formats and an intermediate node for interworking between said call control node and said plurality of connection control nodes; linking a particular one of said plurality of connection control nodes with a corresponding one of said plurality of formats at said intermediate node; wherein said plurality of connection control nodes rely on said switching intelligence within said call control node for providing call connection control over said broadband switching fabric and wherein said intermediate node forwarding a message associated with said call connection control transmitted by said call control node to a particular one of said connection control nodes

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translates the format of said message to be compatible with said particular one of said connection control nodes. Ascertaining received data from connection control node to a corresponding format stored in a database table and then translating to a corresponding format is obvious for one of the ordinary skill in the art for translating a communication responsive to ascertained corresponding format (**claims 1,11,13,35 of U.S.Pat: 6,914,911**).

Regarding claim 21,24: U.S. Pat: 6,914,911 disclosed a method for processing a communication associated with a particular one of a plurality of connection control nodes at an intermediate node in a communications network combining narrowband and broadband transport mechanisms said communications network further comprising a call control node including switching intelligence and narrowband switching fabric, each of said connection control nodes including broadband switching fabric, said intermediate node interworking between said call control node and said plurality of connection control nodes, said method comprising the steps of: receiving a communication message for a particular one of said connection control nodes at said intermediate node wherein said communication message generated by said switching intelligence within said call control node for providing call control instructions to said broadband switching fabric within said particular one of said connection control nodes. Ascertaining received data from connection control node to a corresponding format stored in a database table and then translating to a corresponding format is obvious for one of the ordinary skill in the art for processing communication message and

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corresponding format being one of a plurality of formats usable by said plurality of connection control nodes and translating said communication message responsive to said ascertained corresponding format and transmitting a translated communication from said intermediate node to said particular connection control node (**claims 1,11,13,17-20,35 of U.S.Pat: 6,914,911**).

Response to Arguments

4. Applicant's arguments, see Remarks, filed on 03/03/2006, with respect to the rejection(s) of claim(s) 1-24 under 35 USC 102(e) for claims 1,4-8,11-13,16-18,21,24 and 35 USC 103(a) for claims 2,3,9,10,14,15,19,20,22,23 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,914,911.

Conclusion

5. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Ricky Ngo can be reached @ (571)-272-3139. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Venkatesh Haliyur

Patent Examiner

vh
05/02/06

Ricky
RICKY Q. NGO
SUPERVISORY PATENT EXAMINER